

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

*Plaintiff and Counterclaim-Defendant,*

v.

CELLCO PARTNERSHIP, D/B/A VERIZON  
WIRELESS, and VERIZON CORPORATE  
SERVICES GROUP INC.,

*Defendants and Counterclaimant-Plaintiffs.*

Case No. 2:23-CV-00352-JRG-RSP

**ANSWER TO COUNTERCLAIMS**

**JURY TRIAL DEMANDED**

**HEADWATER’S ANSWER TO VERIZON’S COUNTERCLAIMS**

Plaintiff and Counterclaim-Defendant Headwater Research LLC (“Headwater”) hereby answers Defendants and Counterclaimant-Plaintiffs Cellco Partnership, d/b/a Verizon Wireless, and Verizon Corporate Services Group Inc.’s (collectively, “Verizon” or “Defendants and Counterclaim-Plaintiffs”) counterclaims in its Amended Answer (D.I. 81-1) as follows:

**THE PARTIES**

1. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis: denied.

2. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis: denied.

3. Admitted.

**JURISDICTION AND VENUE**

4. Admitted.

5. Admitted.

6. Admitted.

7. Headwater admits that it has sued Verizon for infringement of the '541 Patent, '543 Patent, '042 Patent, or '613 Patent and that there is a substantial, actual, and continuing controversy between Headwater and Verizon as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 7.

**COUNT 1**

**(Declaratory Judgment of Non-Infringement of the '541 Patent)**

8. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

9. Denied.

10. Denied.

**COUNT 2**

**(Declaratory Judgment of Invalidity of the '541 Patent)**

11. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

12. Denied.

13. Denied.

**COUNT 3**

**(Declaratory Judgment of Non-Infringement of the '543 Patent)**

14. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

15. Denied.

16. Denied.

**COUNT 4**  
**(Declaratory Judgment of Invalidity of the '543 Patent)**

17. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

18. Denied.

19. Denied.

**COUNT 5**  
**(Declaratory Judgment of Non-Infringement of the '042 Patent)**

20. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

21. Denied.

22. Denied.

**COUNT 6**  
**(Declaratory Judgment of Invalidity of the '042 Patent)**

23. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

24. Denied.

25. Denied.

**COUNT 7**  
**(Declaratory Judgment of Non-Infringement of the '613 Patent)**

26. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

27. Denied.

28. Denied.

**COUNT 8**  
**(Declaratory Judgment of Invalidity of the '613 Patent)**

29. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

30. Denied.

31. Denied.

**PRAYER FOR RELIEF**

In response to Verizon's prayer for relief, Headwater denies that Verizon is entitled to any relief, including any of the relief requested in paragraphs A–E of Verizon's prayer for relief. Further, Headwater requests the following relief:

WHEREFORE, Headwater respectfully requests that this Court enter:

a. A judgment in favor of Headwater that Verizon has infringed, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise, the '541 Patent, the '543 Patent, the '042 Patent, and the '613 Patent;

b. A permanent injunction prohibiting Verizon from further acts of infringement of the '541 Patent, the '543 Patent, the '042 Patent, and the '613 Patent;

c. A judgment and order requiring Verizon to pay Headwater its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for Verizon's infringement of the '541 Patent, the '543 Patent, the '042 Patent, and the '613 Patent;

d. A judgment and order requiring Verizon to provide accountings and to pay supplemental damages to Headwater, including without limitation, pre-judgment and post-judgment interest;

e. A judgment and order finding that this is an exceptional case within the meaning

of 35 U.S.C. § 285 and awarding to Headwater its reasonable attorneys' fees against Verizon; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

**JURY DEMAND**

Headwater, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: September 17, 2024

Respectfully submitted,

/s/ Marc Fenster

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**ATTORNEYS FOR PLAINTIFF AND  
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Headwater Research LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 17<sup>th</sup> day of September 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster